

**REMARKS**

**I. Preliminary Matters**

The Examiner is requested to acknowledge receipt of the certified copies of the priority documents and indicate acceptance of the Drawings filed February 2, 2006.

**II. Status of Claims**

Claims 1 and 3-25 are pending in the application. Claims 6-25 are withdrawn from consideration.

Claim 1 is amended to recite that a counter electrode is provided on a side of the porous oxide semiconductor layer of the working electrode facing the working electrode and having a substrate and a conductive film disposed on the substrate, and that the elastic member is provided between the substrate of the counter electrode and a bottom portion of the casing. Support for the amendments to Claim 1 can be found, for example, at page 16, lines 15-16, page 17, lines 5-6, and Fig. 2.

No new matter is added. Accordingly, Applicants' respectfully request entry and consideration of the Amendment.

**III. Response to Claim Rejection Under 35 U.S.C. § 103(a)**

Claims 1, and 3-5 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nunoi et al (JP 2002-319689) in view of Nakanishi (U.S. Patent No. 6,222,115).

Applicants respectfully traverse, at least for the following reasons.

Present Claim 1 is directed a photoelectric conversion element. The presently claimed photoelectric conversion element includes "a counter electrode. . . having a substrate and a conductive film disposed on the substrate." The presently claimed photoelectric conversion

element also includes an elastic member such that “the elastic member is provided between the substrate of the counter electrode and a bottom portion of the casing.”

Based on the above-discussed features, the presently claimed photoelectric conversion element can obtain an advantageous effect in that, by providing an elastic member between the substrate of the counter electrode and the casing, an external force applied to the casing can be absorbed by the elastic member so as to prevent the external force from transmitting to the counter electrode, and the durability of the photoelectric conversion element is improved.

Neither Nunoi nor Nakanishi discloses the above-discussed features of the presently claimed invention.

Specifically, the film 6 of Nunoi corresponds to the substrate of the counter electrode of the present invention, and the second conductive layer 7 of Nunoi corresponds to the conductive film of the counter electrode of the present invention. In other words, in Nunoi, the counter electrode is formed of the film 6 and the second conductive layer 7. As the Examiner admits, Nunoi does not disclose or suggest an elastic member of the present invention. Furthermore, Nunoi does not disclose or suggest a casing having a bottom portion opposite to the substrate of the counter electrode. In the presently claimed invention, since the elastic member is provided *between the substrate of the counter electrode and a bottom portion of the casing*, it is clear that the bottom portion of the casing is situated opposite to the substrate of the counter electrode. Therefore, even if a person of ordinary skill in the art were to, *arguendo*, modify the device of Nunoi to include the encapsulate resin of Nakanishi, it would be impossible to derive the feature “the elastic member is provided between the substrate of the counter electrode and the bottom portion of the casing” of the presently claimed invention.

Furthermore, a person skilled in the art would not include the encapsulate resin 6 of Nakanishi between the film 6 and the second conductive layer 7 of Nunoi for the following reasons. In Nunoi, the second conductive layer 7 is formed on the film 6 by printing. If the second conductive layer is printed after providing the elastic member (i.e., the encapsulate resin) on the film, the printing performance degrades. Alternatively, if the conductive layer is directly formed on the elastic member, when the elastic member deforms, the conductive layer also deforms together with the elastic member, which causes breaking, for e.g., detachment of the conductive layer from the elastic member.

In comparison, in the presently claimed invention, since the substrate of the counter electrode is provided between the conductive film and the elastic member, it is possible to prevent deformation of the conductive film.

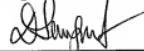
In view of the above, Claim 1 is patentable over the combination of Nunoi and Nakanishi. Claims 3-5 are also patentable, at least by virtue of their dependence from Claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of Claims 1 and 3-5.

#### Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,



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Date: February 10, 2011